

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 1 2004

FILE

OFFICE OF  
MANAGING DIRECTOR

Mark P. Proper  
Assistant Controller  
Tele-Media Corporation of Delaware  
Post Office Box 39  
804 Jacksonville Road  
Bellefonte, PA 16823

Re: FY 2003 Regulatory Fees for KY0845  
Fee Control No. 00000RROG-04-065  
Bill No. 04AB000051

Dear Mr. Proper:

This is in response to your letter filed on behalf of Tele-Media Corporation of Delaware, (Tele-Media) for abatement or waiver of the late payment penalty associated with its fiscal year (FY) 2003 regulatory fees for KY0845. Our records reflect that \$129,225.00 for your FY 2003 regulatory fees was received by the Commission on December 31, 2003, but that we have not yet received your late payment penalty of \$32,306.25.

You acknowledge in your request that you made a mistake and missed the September 25, 2003 deadline. You request an abatement of the penalty due to your long history of filing the FCC Form 159 and timely payment of your regulatory fees. You state that the mistake occurred due to the FCC's procedural change of no longer mailing the Form 159, that you were not aware of this change, and that absent the reminder provided by receiving the forms, you forgot to timely file. You note that you discovered the mistake during your year-end reconciliation process, at which time you downloaded the FCC Form 159, filed and paid on December 31, 2003. You note further that you have taken corrective actions and can ensure that this will not happen again.

The Commission's rules are clear that licensees are required to pay to the Commission an annual regulatory fee in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. *See* 47 C.F.R. §1.1157; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15, 985 (2003) (2003 Report and Order); 47 U.S.C. §159. The Commission issued public notices announcing the date on which the FY 2003 regulatory fees were due. *See* Public Notice, *Regulatory Fees Due September 24, 2003*, DA 03-2557 (July 30, 2003); Public Notice, *Federal Communications Commission Extends the Filing Deadline Date of FY 2003 Regulatory Fee*, DA 03-2907 (Sept. 22, 2003) (extending deadline to September 25, 2003).


As a Commission licensee, Tele-Media is charged with the responsibility to familiarize itself with the Commission's rules and requirements. Our rules require that licensees must assure timely receipt of the annual regulatory fees. *See* 47 C.F.R. §1.1164. Therefore, Tele-Media's lack of familiarity with the Commission's rules governing the payment deadlines does not mitigate or excuse Tele-Media's failure to pay its FY 2003 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances." *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

Our review of our records confirms that your FY 2003 fees were received by the Mellon Bank on December 31, 2003. The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. We find that Tele-Media Corporation of Delaware did not meet its obligation to file its regulatory fees to be timely received by the Commission by September 25, 2003, the final date of the regulatory fee filing window for FY 2003. We therefore deny your request for waiver of the penalty for late payment of your FY 2003 regulatory fees.

A late payment penalty in the amount of \$32,306.25 for FY 2003 is now due. The payment must be filed, together with a copy of Bill No. 034AB000051, within 30 days from the date of this letter. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



 Mark A. Reger  
Chief Financial Officer



TELE-MEDIA CORPORATION OF DELAWARE

POST OFFICE BOX 39, BELLEFONTE, PA 16823 PHONE 814-355-4729

April 16, 2004

Ms. Claudette E. Pride, Chief  
Revenue and Receivables Operations Group  
Federal Communications Commission  
Washington, D.C. 20554

**RE. Request for Abatement of Penalty**

Dear Ms. Pride:

This letter is a request for abatement of the \$32,306.25 penalty that has been assessed to the various Tele-Media cable companies due to late payment of our 2003 annual regulatory fees. Tele-Media does acknowledge that we made a mistake and missed the September 25, 2003 deadline, but due to our long history of filing the FCC Form 159 and our timely payment of these fees, we respectfully request an abatement of penalty.

Tele-Media's mistake occurred due to the FCC's procedural change of no longer mailing the Form 159. We were not aware of this change and without the reminder of actually receiving the forms, we forgot to file timely. However, once the mistake was discovered during our year-end reconciliation process, the Form 159 was immediately downloaded, filed and paid on December 31, 2003. We have since taken the necessary corrective actions and can ensure that this will not happen again.

Thank you for your consideration of this matter and please call me at (814) 353-2075 if you need any additional information.

Sincerely,

Mark P. Proper  
Assistant Controller

FOR INQUIRIES CALL  
1-202-418-1995  
(Credit and Debt Management Group)

Bill Number		Current Bill Date	
04AB000051		03/18/04	
PAYER FRN#	APPLICANT FRN#		
0010581320	0010581320		

**Application Information:**  
Tele Media Corporation  
PO Box 39 804 Jacksonville Rd.  
Bellefonte, PA 16823

**Payable to:**  
Federal Communications Commission  
Send a copy of this bill to:  
Federal Communications Commission  
RROG, Financial Operation Center  
P.O. BOX 358340  
PITTSBURGH, PA 15251 - 5325

Total Amount Due		Due Date
\$32,306.25	Total Amount Due Must Be Received By	4/18/2004

Assess penalty for late regulatory fee payment not received by 09/25/03.  
FCN: 0401028835711001 CALL SIGN: KY0845

**Payee Address:**

Tele Media Corporation  
PO Box 39 804 Jacksonville Rd.  
Bellefonte, PA 16823

**SPECIAL INSTRUCTIONS (OPTIONAL):**  
IF PAYING BY CREDIT CARD AND THE PAYER IS DIFFERENCE THAN THE APPLICANT. PLEASE COMPLETE A REMITTANCE ADVICE (FORM 159) WITH THE PAYER INFORMATION AND MAIL IT WITH THIS BILL.  
PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED  
Please write your bill number on your remittance advice Form 159.  
Please attach a copy of this bill to your payment to ensure proper credit.

Payment Type Code				Quantity	Fee Due
0	3	9	9	1	\$32,306.25
Total Due					\$32,306.25

Payment Method: Check ☐ (Attach)  
Credit card ☐ (Complete Below) Attach a remittance advice Form 159 with credit card payment

☐ MASTERCARD

☐ DISCOVER

☐ VISA

☐ AMEX

Account No.:  

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Expiration:  

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 Month Year

I hereby authorize the FCC to charge my MasterCard or VISA for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE DATE

REC'D 3/25/04

BEATRICE PENNY  
202 418 7517

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554  
March 18, 2004

① CALLED 3/26/04  
@ 2:28  
LEFT MESSAGE

Tele Media Corporation  
PO Box 39, 804 Jacksonville Road  
Bellefonte, PA 16823

② TISHA LITTLETON  
CALLED WEEK I WAS ON  
VACATION

③ I CALLED HER @  
(202) 418-1501 LEFT MESS.  
4/6/04

Re: 04AB000051  
Call Sign: KY0845

④ CALLED LEFT MESSAGE  
4/7/04 3:30

Dear Licensee:

This letter is notice that you were late paying your 2003 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by 11:59 pm, September 25, 2003. Your fee payment of \$129,225.00 was received on 12/31/04.

⑤ 4/14  
CALLED TISHA  
→ SHE TFR ME  
BEATRICE PE

In accordance with Section 9 [47 USC 159(c) (1)], a 25 percent late penalty in the amount of \$32,306.25 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 30 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358340, Pittsburgh, PA 15251-5340, along with a copy of the enclosed billing invoice.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 25, 2003, such as a carrier dated receipt, please include this documentation with your response and your record(s) will be adjusted accordingly.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,



Claudette E. Pride, Chief  
Revenue and Receivables Operations Group

Enclosure